

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Plaintiff,

v.

ERIC JAEGER and
JERRY A. SHANAHAN,

Defendants.

No. 01:07-00039-SM

ORAL ARGUMENT REQUESTED

**AFFIDAVIT OF JAMES T. LUX IN SUPPORT OF DEFENDANT ERIC JAEGER'S
MOTION FOR SUMMARY JUDGMENT IN LIGHT OF NEW AUTHORITY**

I, James T. Lux, Esquire, on oath, do depose and state as follows:

1. I am an attorney with the law firm of Wilmer Cutler Pickering Hale and Dorr LLP in Boston, Massachusetts. I am an active member in good standing of the bar of Massachusetts and have been admitted *pro hac vice* by the Court in this case.

2. I represent Defendant Eric Jaeger in this action. I submit this Affidavit in support of Mr. Jaeger's Motion for Summary Judgment In Light of New Authority, filed herewith.

3. Attached hereto as **Exhibit A** is a true and correct copy of excerpts from the transcript of the June 30, 2011 deposition of Steven Henning.

4. Attached hereto as **Exhibit B** is a true and correct copy of the Expert Report of Douglas J. Kangos.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 25, 2012

Respectfully submitted,

/s/ James T. Lux

James T. Lux (admitted *pro hac vice*)
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